

### Subpart L—Local Multipoint Distribution Service

SOURCE: 62 FR 23168, Apr. 29, 1997, unless otherwise noted.

#### § 101.1001 Eligibility.

Any entity, other than one precluded by § 101.7 and by § 101.1003, is eligible for authorization to provide Local Multipoint Distribution Service (LMDS) under this subpart. Authorization will be granted upon proper application filed under the rules in this part.

#### § 101.1005 Frequencies available.

(a) The following frequencies are available for assignment to LMDS in two license blocks:

*Block A of 1,150 MHz*

27,500–28,350 MHz  
29,100–29,250 MHz  
31,075–31,225 MHz

*Block B of 150 MHz*

31,000–31,075 MHz  
31,225–31,300 MHz

(b) In Block A licenses, the frequencies are authorized as follows:

(1) 27,500–28,350 MHz is authorized on a primary protected basis and is shared with Fixed Satellite Service (FSS) systems.

(2) 29,100–29,250 MHz is shared on a co-primary basis with feeder links for non-geostationary orbit Mobile Satellite Service (NGSO/MSS) systems in the band and is limited to LMDS hub-to-subscriber transmissions, as provided in § 25.257 and § 101.103(h).

(3) 31,075–31,225 MHz is authorized on a primary protected basis and is shared with private microwave point-to-point systems licensed prior to March 11, 1997, as provided in § 101.103(b).

(c) In Block B licenses, the frequencies are authorized as follows:

(1) On a primary protected basis if LMDS shares the frequencies with systems licensed as Local Television Transmission Service (LTTTS) licensed prior to March 11, 1997, as provided in § 101.103(b).

(2) On a co-equal basis with systems not licensed as LTTTS prior to March 11, 1997, as provided in § 101.103(g).

#### § 101.1007 Geographic service areas and number of licenses.

LMDS service areas are Basic Trading Areas (BTAs) as defined in the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38–39, that identifies 487 BTAs based on the 50 States and as defined to include the BTA-like areas of the United States Virgin Islands, American Samoa, Guam, Mayaguez/Aguadilla-Ponce, Puerto Rico, San Juan, Puerto Rico, and the Commonwealth of Northern Marinas, for a total of 493 BTAs.

#### § 101.1009 System operations.

(a) The licensee may construct and operate any number of fixed stations anywhere within the area authorized by the license without prior authorization, except as follows:

(1) A station would be required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an Environmental Assessment is required under § 1.1307 of this chapter.

(iii) The station would affect areas identified in § 1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be registered with the Commission prior to construction under § 17.4 of this chapter.

(b) Whenever a licensee constructs or makes system changes as described in paragraph (a) of this section, the licensee is required to notify the Commission within 30 days of the change under § 1.947 of this chapter and include a statement of the technical parameters of the changed station.

[62 FR 23168, Apr. 29, 1997, as amended at 63 FR 68984, Dec. 14, 1998; 69 FR 17959, Apr. 6, 2004]

#### § 101.1011 Construction requirements and criteria for renewal expectancy.

(a) LMDS licensees must make a showing of “substantial service” in their license area within ten years of being licensed. “Substantial” service is defined as service which is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal. Failure by any